

REMARKS

In the application claims 1-27 remain pending. No claims have been withdrawn and no claims have been added. The claims as amended find their support in the specification and figures as originally filed and no new matter has been added. In this regard, the claims have been amended only to make more clear the subject matter that applicants originally intended to claim and, as such, the amendments should not be considered to otherwise limit the scope of the invention claimed.

The pending claims presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action, originally filed claims 1, 3, 5-6, 11, and 12 were rejected under 35 U.S.C. § 103 as being rendered obvious by Amro (U.S. Patent No. 6,507,762), originally filed claim 2 was rejected under 35 U.S.C. § 103 as being rendered obvious by Amro as modified by Kolawa (U.S. Patent No. 6,236,974), originally filed claim 4 was rejected under 35 U.S.C. § 103 as being rendered obvious by Amro as modified by Morris (U.S. Patent No. 6,353,848), originally filed claims 7-8, 10, 13-14, 16-17, 19-25, and 27 were rejected under 35 U.S.C. § 103 as being rendered obvious by Huang (U.S. Patent No. 6,437,836) as modified by Amro, originally filed claims 9, 15, and 26 were rejected under 35 U.S.C. § 103 as being obvious over Huang as modified by Amro and Ketcham (U.S. Patent No. 6,195,589), and originally filed claim 18 was rejected under 35 U.S.C. § 103 as being rendered obvious by Huang as modified by Amro and Kolawa. In rejecting originally filed claims 1-6, 11, and 12, the Office Action asserted that the claims were rendered obvious by the disclosure in Amro of an appliance having a memory having stored therein an electronic document (item 290) and a hand-held device adapted to communicate with the appliance to retrieve and display a representation of the

electronic document (“having the function and appearance of the graphical interface including control panel”). In rejecting originally filed claims 7-10 and 13-27, the Office Action asserted that these claims were rendered obvious by the disclosure in Huang of a method for accessing a Web server to download a document (an electronic program guide) as modified by the disclosure in Amro directed to a hand-held device having a display in which is presented a representation of an electronic interface for an appliance.

In response, it is respectfully submitted that the cited references fail to render the now pending claims obvious. Specifically, it is submitted that the art of record cannot be said to disclose, teach, or suggest each and every element – considering each and every word - that is now recited in the claims as is required to maintain a rejection under 35 U.S.C. § 103. It is further submitted that the art of record also fails to provide any motivation that can be said to suggest the desirability of combining elements in a manner that could be said to render the claims obvious under 35 U.S.C. § 103. In this regard, it is noted that, when combining elements, it is impermissible to use the disclosure of the subject application as a template for the purpose of piecing together various elements of the prior art with the aim of demonstrating the obviousness of the claimed invention. Rather, the teaching and suggestion must come from the references themselves.

The claimed invention is directed to a hand-held device that is adapted to display a representation of an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. It is to be appreciated that “instructing” is defined in the Merriam-Webster dictionary as: 1) to give knowledge to, i.e., teach, train; and 2) to provide with authoritative information or advice, i.e., “the judge *instructed* the jury.” Further

of the claims also specify that the electronic document may be downloaded from an appliance or from a Web site. Still further claims set forth that the hand-held device may provide data to the Web site that serves to identify the appliance to the Web site. The Web site may then use the data to select the appropriate electronic document for downloading to the hand-held device (i.e., the electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance that corresponds to the provided data). Yet further claims set forth that the provided data may be the same data used to setup a universal remote control (e.g., a remote control device setup code). In this manner, for example, the claimed invention has the advantage of allowing a user to quickly and easily access a user manual for an appliance in cases where a printed user manual supplied with the appliance is otherwise lost.

Unlike the claimed invention, Amro discloses an appliance that has stored in memory a control program 260, a configuration object 290, an interface 270, and drivers 280. The interface 270 includes a plurality of application program interfaces (“APIs”). The configuration object 290 “is coupled to the control program 260” of the appliance and includes machine readable instructions. This same configuration object may be uploaded to a PDA for the purpose of describing *to a generic control program 240* the functions and appearance of the graphical user interface. Thus, the programming of the configuration object allows the PDA to mimic the graphical user interface of the appliance.

More specifically, the configuration object 290 of Amro does nothing more than describe *to the control program 240* what to display and the functions *that the control program 240 is to perform in response to an actuation of a graphical user interface element*. Thus, the “functions” described by the configuration object are only exposed to the generic control program 240. The

configuration object information is not “displayed” to a consumer nor is it capable of being read by a consumer whereby the consumer may learn how to interact with the graphical user interface to command operations of the appliance.

In sum, Amro only describes transmitting to the hand-held device a representation of the appliance controls and data and procedures (i.e., a configuration object) that define how the PDA is to display and how the PDA is to respond to actuations of those controls. Amro does not, however, disclose, teach, or suggest receiving information from the appliance wherein the information is displayable in the hand-held device to instruct a user how to interact with those controls for the purpose of operating the consumer appliance. Rather, “to gain knowledge” on how to interact with the displayed user interface of the Amro device to thereby control operations of the consumer appliance in an intended manner, a consumer of the Amro system would be required to find a printed user manual (or use trial and error). Therefore, the system of Amro suffers the very disadvantages the presently claimed invention seeks to overcome.

For at least the reason that Amro fails to disclose those elements that were relied upon in the Office Action when setting forth the rejection of the claims under 35 U.S.C. § 103, the rejection of at least claims 1-6, 11, and 12 must be withdrawn – i.e., by demonstrating the deficiencies of Amro, the applicants have shown that the combination set forth in the Office Action cannot be said to include each and every element of the claims, considering each and every word, as is required to maintain an obviousness rejection and have thus demonstrated non-obviousness in compliance with *In re Keller*.

Turning now to Huang, Huang discloses a system wherein an electronic program guide is downloadable into a hand-held device. It will be appreciated, however, that, while the downloaded program guide may provide information to a user, it fails to provide information in a

form for instructing a consumer how to interact with controls of an appliance for the purpose of operating an appliance (e.g., it may indicate a program on channel 2, but does not inform the user how to interact with an appliance to cause the appliance to tune to channel 2). Therefore, like Amro, the system of Haung also suffers the very disadvantages the presently claimed invention seeks to overcome, namely, a user of the Haung hand-held device would still be required to find a printed user manual (or use trial and error) to discern how to interact with one or more controls of the appliance for the purpose of operating the appliance (whether by means of the hand-held device displaying the electronic program guide or manually).

Furthermore, since the electronic program guide of Huang is appliance generic, it will be appreciated that the Web site of Huang is not (and need not) be provided with data that functions to identify an appliance. Accordingly, there cannot be a suggestion within the disclosure of Huang to retrieve appliance specific information, i.e., an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance to operate the consumer appliance that is identified by the provided data. Furthermore, since the information, i.e., electronic program guide, of Huang is dynamic (e.g., continually changing by day and time), it is unlikely that one of skill in the art would be motivated to modify Huang to store the electronic program guide in an appliance as are the “objects” of Amro, despite the “motivations” set forth in the Office Action.

For the reason that Huang, either alone or in combination with Amro, fails to disclose, teach, or suggest each and every element of the claims now pending and/or fails to provide any motivation to combine elements in a manner that could be said to render the claims obvious, as is required to maintain a rejection under 35 U.S.C. § 103, it is submitted that the rejection of at least claims 7-10 and 13-27 must be withdrawn. Again, by noting the various deficiencies of

Huang, the applicants have shown that the combination set forth in the Office Action cannot be said to include each and every element of the claims, considering each and every word, or the suggestions that are required to maintain an obviousness rejection and have thus demonstrated non-obviousness in compliance with *In re Keller*.

With respect to the rejection of originally filed claims 2 and 18, it is respectfully noted that Kolowa fails to disclose, teach, or suggest an appliance having stored thereon a recipe or transmitting a recipe from the appliance to a hand-held device. Rather, Kolowa discloses a computer that is mounted to a kitchen counter, cupboard, or appliance (such as a refrigerator) where the recipe may be presented to a user on a display of the computer. Accordingly, it is submitted that Kolowa also fails to provide the teachings or suggestions required to modify either Amro or Huang to arrive at the invention claimed – i.e., Kolowa does not disclose, teach, or suggest that it would be desirable to store and transmit a recipe from an appliance to a hand-held device in lieu of the graphical user interface or electronic program guide of Amro or Huang, respectively, and as such, the “motivation” set forth in the Office Action could only have been gleaned from the impermissible use of the disclosure of the applicants. Again, by noting the deficiencies of Kolowa, e.g., the lack of suggestion to modify Amro or Huang, the applicants have shown that the combination set forth in the Office Action cannot be said to be a proper combination and have thus demonstrated non-obviousness in compliance with *In re Keller*.

Similarly, with respect to the rejection of originally filed claim 4, it is respectfully submitted that Morris fails to disclose, teach, or suggest an appliance having stored thereon an electronic document comprising human-readable information in a form for instructing a consumer how to interact with controls of the consumer appliance for the purpose of operating the consumer appliance or transmitting such an electronic document to a hand-held device.

Rather, Morris discloses no more than a system for using a network to access digital images stored in a digital device such as a digital camera. Accordingly, it is submitted that Morris additionally fails to provide the teachings or suggestions required to modify Amro to arrive at the invention claimed – i.e., since Amro fails to contemplate the use of HTML and Morris fails to contemplate using HTML to represent an instruction document storable on an appliance, it is submitted that the “motivation” to combine the elements of the references as set forth in the Office Action could only have been arrived at from the impermissible use of the disclosure of the applicants. Again, by noting the deficiencies of Morris, e.g., the lack of suggestion to modify Amro, applicants have shown that the combination set forth in the Office Action cannot be said to be a proper combination and have thus demonstrated non-obviousness in compliance with *In re Keller*.

CONCLUSION

The Office Action has been carefully reviewed and a *prima facie* case of obviousness has not been established. In this regard, the cited references – when combined – fail to disclose each and every element set forth in the claims at issue. Furthermore, to the extent that the Office Action has picked elements from the various references, the Office Action has failed to cite any passages from those references that might be said to teach or suggest the desirability of the espoused combinations. Rather, the Office Action has only set forth unsupported “motivations” for combining the various references which “motivations” could only have been arrived at by reading the disclosure of the applicants. In other words, the rejections of the claims clearly demonstrate the impermissible use of the disclosure of the applicants as a template to piece together various elements of the art of record.

Since a prima facie case of obviousness has not been established, it is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

The applicants have submitted this response in connection with an RCE to preserve their right to conduct an interview with the examiner and a supervisor. Thus, should the claims be again rejected on the same art set forth in the Office Action, the applicants hereby request such an interview.

Respectfully Submitted;

By:

Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, PC
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

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